
Public Utilities Commission of the State of California

Results of Public Agenda 3180

Meeting Held on Thursday, October 5, 2006 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

John A. Bohn

Geoffrey F. Brown

Rachelle B. Chong

Dian M. Grueneich

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
Monday, October 16, 2006 (San Francisco)	Thursday, October 19, 2006 (Fresno)
Monday, November 06, 2006 (San Francisco)	Thursday, November 09, 2006 (San Francisco)
Monday, November 27, 2006 (San Francisco)	Thursday, November 30, 2006 (San Francisco)
Monday, December 11, 2006 (San Francisco)	Thursday, December 14, 2006 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

For further information contact the Public Advisor
(415) 703-2074 E-mail: public.advisor@cpuc.ca.gov



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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
-

Public Comment:

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Orders and Resolutions

1

Res TL - 19078

[5886]

Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.

Outcome Approved

Res TL-19078

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

2

Res ALJ 176-3180

[5889]

Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.

Outcome Approved

[Res ALJ 176-3180](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

3

[5853]

A06-03-025 - Acceris Management and Acquisition LLC. (Applicant).

This decision grants Applicant's application for a certificate of public convenience and necessity authorizing the provision of resold local exchange services in this state. This proceeding is closed.
(Comr Chong - ALJ Prestidge)

Agenda 3177, Item 21 8/24/2006 (Staff);

Agenda 3178, Item 3 9/7/2006 (Brown);

Agenda 3179, Item 1 9/21/2006 (Brown)

Outcome Signed[D06-10-001](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

4

[5955]

R04-01-006 - Order Instituting Rulemaking on the Commission's proposed policies and programs governing post-2003 Low-Income Assistance Programs.

This decision denies the petition of the Western Manufactured Housing Community Association for modification of Decision 05-10-044 as moot and otherwise without merit. This proceeding is closed.
(Comr Grueneich - ALJ Weissman)

Outcome Signed[D06-10-002](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

5

[5962]

Res W-4614 - Rural Water Company, Inc., Cypress Ridge Sewer System.

This resolution authorizes Rural Water Company, Inc., Cypress Ridge Sewer System a general rate increase producing additional annual revenue of \$49,144 or 25.8% in 2006. (Advice Letter 5, filed August 24, 2005)

Outcome Approved[Res W-4614](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

6 (Rev.)

[5967]

A06-05-008 - Verizon California Inc. (Verizon).

This decision grants Verizon's application to extend the shared asset methodology approved in D04-03-028 to transactions with new service company affiliates, identified in Exhibit A to the application and other new service company affiliates that may be formed in the future, that involve the use of surplus Verizon office space and equipment by employees of the service company affiliates, so long as these transactions meet the requirements of General Order 69-C. This proceeding is closed.

(Comr Chong - ALJ Prestidge)

10/03/2006 - This revision was not shown on the Agenda mailed to the public.

Outcome Signed

[D06-10-003](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

7

[5968]

Res E-4021 - Pacific Gas and Electric Company (PG&E).

PG&E requests approval of the Bottle Rock, Liberty, and HFI renewable resource procurement contracts. These contracts are approved without modifications. (Advice Letter 2827-E, filed May 15, 2006)

Agenda 3179, Item 15 9/21/2006 (Staff)

Outcome Approved

Res E-4021

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

8

[5969]

Res E-4022 - Pacific Gas and Electric Company (PG&E).

PG&E requests approval of the Military Pass Road-Newberry LLC (Vulcan) renewable resource procurement contract. This contract is approved without modifications. (Advice Letter 2860-E, filed July 14, 2006)

Agenda 3179, Item 16 9/21/2006 (Staff)

Outcome Held (10/19/06, Consent Agenda.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

9

[5973]

(ECP) C06-07-004 - Natalie Brandenburg vs. Pacific Bell Telephone Company (SBC California), dba AT&T California.

Case dismissed. Defendant paid complainant all reparations permitted by statute. C06-07-004 is closed.

(Comr Chong - ALJ Barnett)

Outcome Signed

[D06-10-004](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

10

[5978]

A06-02-021 - State of California, Department of Transportation.

This decision authorizes the State of California, Department of Transportation to remove and reconstruct the existing Fifth Street overpass grade-separated highway-rail crossing over BNSF Railway Company's Cajon Subdivision Main Line, in the City and County of San Bernardino.

This proceeding is closed.

(Exam Clark)

Outcome Signed

D06-10-005

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

11

[5979]

Res E-4007 - Pacific Gas and Electric Company (PG&E).

PG&E requests confirmation of William E. Downing to the Committee of its Nuclear Decommissioning Trust Funds. Request approved. (Advice Letter 2849-E, filed June 22, 2006)

Outcome Approved

[Res E-4007](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

12

[5980]

Res E-4008 - San Diego Gas & Electric Company (SDG&E).

SDG&E requests approval of its proposed investment management agreement with SIT Investment Associates, Inc., and confirmation of the amendment to the investment management agreement with State Street Global Advisors. Requests granted. (Advice Letter 1808-E, filed July 5, 2006)

Outcome Approved[Res E-4008](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

13

[5982]

(ECP) C05-10-036 - Wayne Williams vs. Allan and Peggy Martin.

(ECP) C05-12-020 - Related matters. The complaints in C05-10-036 and C05-12-020 are dismissed. This consolidated proceeding is closed.

(Comr Bohn, Comr Brown - ALJ Ryerson)

Outcome Signed[D06-10-006](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

14

[5983]

R01-09-001 - Order Instituting Rulemaking on the Commission's own motion to assess and revise the new regulatory framework for Pacific Bell and Verizon California Incorporated.

I01-09-002 - Related matters. This decision awards \$134,386.44 to The Utility Reform Network for its substantial contributions to D06-05-024 and D05-12-012. These proceedings are closed.

(Comr Peevey - ALJ Kenney)

Outcome Signed[D06-10-007](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

15
[5985]

C05-07-021 - Utility Consumers' Action Network vs. Sprint Telephony PCS, L.P., WirelessCo, L.P. dba Sprint PCS.

This decision approves settlement agreement providing that Sprint Telephony PCS, LLC will not charge text message customers for advertisements. This proceeding is closed.

(Comr Grueneich - ALJ Bushey)

Outcome Signed

D06-10-008

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

16
[5986]

(ECP) C06-02-027 - Michael J. Paoletti vs. Pacific Bell Telephone Company dba AT&T California.

This decision dismisses C06-02-027. This case is closed.

(Comr Chong - ALJ Ryerson)

Outcome Signed

[D06-10-009](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

17
[5988]

Res ST-82

This resolution approves the Consumer Protection and Safety Division final audit report titled, 2005 On-Site Safety Audit of the San Francisco Municipal Railway Rail Transit Safety Program, dated August 28, 2006. San Francisco Municipal Railway is ordered to develop a plan and schedule to implement the recommendations contained in the report and provide monthly progress reports.

Outcome Approved

Res ST-82

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

18

[5993]

Res E-4025 - Pacific Gas and Electric Company (PG&E).

This resolution approves PG&E's request to disburse funds from the Humboldt Bay Power Plant Unit 3 Nuclear Decommissioning Trusts. (Advice Letter 2876-E, filed August 7, 2006)

Outcome Approved

Res E-4025

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

19

[5994]

Res E-4010 - Pacific Gas and Electric Company (PG&E).

This resolution approves PG&E's request for transfer of the Advanced Metering Infrastructure Memorandum Accounts and disposition and recovery of the balances in the Advanced Metering and Demand Response Account and the Gas Advanced Metering Account. This resolution also approves PG&E's request for disposition of the balances through the Distribution Revenue Adjustment Mechanism and the Core Fixed Cost Account consistent with the AMDRA and GAMA preliminary statements. (Advice Letter 2772-E/2698-G, filed January 31, 2006)

Outcome Approved

Res E-4010

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

20

[5995]

A06-07-012 - San Diego Gas & Electric Company (SDG&E).

This decision grants SDG&E the authority it requests to recover the incremental costs incurred in 2004-2006 for Bark Beetle infestation. This proceeding is closed.

(Comr Bohn - ALJ Long)

Outcome Held (10/19/06, Consent Agenda.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

21

[5996]

I06-03-003 - Order Instituting Investigation on the Commission's own motion into the rates, operations, practices, service, and facilities of Pacific Gas and Electric Company (PG&E).

A05-12-002 - Related matters. This decision grants PG&E's unopposed motion to make its 2007 test year general rate case (GRC) revenue requirement effective on January 1, 2007, in the event the Commission issues a final decision adopting PG&E's GRC revenue requirements after that date.

(Comr Bohn - ALJ Kenney)

Outcome Held (10/19/06, Consent Agenda.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

22

[5999]

A06-06-020 - Southern California Edison Company (SCE).

This decision grants SCE the authority it requests to recover the incremental costs incurred in 2005 for a catastrophic rainstorm. This proceeding is closed.

(Comr Bohn - ALJ Long)

Outcome Held (10/19/06, Consent Agenda.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

23

[6002]

C05-10-008 - Evergreen Nursery vs. North San Diego County Transit District.

This decision dismisses complaint for lack of prosecution. Parties indicated that they have settled their dispute. Case 05-10-008 is closed.

(Comr Grueneich - ALJ Weissman)

Outcome Signed

[D06-10-010](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

24

[6003]

A06-06-012 - Southern California Edison Company (SCE).

This decision grants SCE's application for authority under Section 851 to lease 19.6 acres of property located on its Center-Del-Amo/Alamitos-Center Right of Way in Bellflower, California to RHC Communities, LLC (RHC) for use as a self-storage facility. RHC also plans to sublease the remaining part of the property to the City of Bellflower for use as parkland. This proceeding is closed.

(Comr Brown - ALJ Prestidge)

Outcome Signed[D06-10-011](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

25 (Rev.)

[6004]

R04-04-026 - Order Instituting Rulemaking to implement the California Renewables Portfolio Standard Program.

This decision awards \$169,216.25 to the Green Power Institute, and \$97,900.01 to The Utility Reform Network in compensation for their substantial contributions to D04-06-014, D04-06-015, D04-07-029, D05-05-011, D05-07-039, D05-10-014, D05-11-025, D05-12-042, D06-01-046, and to the procurement review groups established by D02-08-071. The decision also denies compensation to Aglet Consumer Alliance (Aglet) for its claimed work on D06-03-016 for which it sought \$3,298.39. The decision finds that Aglet did not make substantial contributions to the order. This proceeding is closed.

(Comr Peevey - ALJ Simon)

09/28/2006 - This revision was not shown on the Agenda mailed to the public.

Outcome Signed[D06-10-012](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

26

[6007]

Res T-17055 - AT&T California.

AT&T California requests approval of an Interconnection Agreement between AT&T California and Verizon California, Inc., pursuant to Section 252 of the Telecommunications Act of 1996 and in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 28752, filed August 23, 2006)

Outcome Approved

Res T-17055

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

27

[6010]

R04-01-006 - Order Instituting Rulemaking on the Commission's proposed policies and programs governing post-2003 Low-Income Assistance Programs.

This decision awards compensation to Disability Rights Advocates, Greenlining Institute, Latino Issues Forum, and The Utility Reform Network for their substantial contributions to D05-10-044. Today's awards will be paid by Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company. This proceeding is closed.

(Comr Grueneich - ALJ Weissman)

Outcome Signed[D06-10-013](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

28

[6017]

A06-05-014 - Catalina Passenger Service, Inc. (Applicant).

This decision authorizes Applicant to increase passenger fares for its vessel common carrier service between Newport Beach and Catalina Island. The one-way adult fare will increase 14.8%. This proceeding is closed.

(Exam Clark)

Outcome Signed[D06-10-014](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

29

[6018]

A06-06-015 - Marin Shuttle Inc. (Applicant).

This decision authorizes Applicant to operate as a passenger stage corporation between points in Marin, Sonoma, and Napa Counties, on the one hand, and San Francisco International Airport, Oakland International Airport, the Emeryville Amtrak Station, and the Port of San Francisco, on the other hand; and to establish a zone of rate freedom. This proceeding is closed.

(Exam Clark)

Outcome Signed[D06-10-015](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

30

[6019]

Res E-4003 - Pacific Gas and Electric Company (PG&E).

This resolution approves PG&E's Advice Letter 2800-E submitted to make its Reliability Performance Incentive Mechanism a part of its Distribution Revenue Adjustment Mechanism, and to adopt for 2005 a RPIM penalty of \$2.8 million. PG&E is to apply the same methodology to outage data supporting the RPIM results it files in future years, retain records of all corrections to outage data, and submit with future RPIM filings the results of current-year outage data. (Advice Letter 2800-E, filed March 9, 2006)

Outcome Held (10/19/06, Consent Agenda.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

31

[6023]

Res SX-75

This resolution authorizes State of California Department of Transportation a temporary overhead clearance of not less than 21 feet, 6 inches above the top of the highest rail during the upgrading of the barrier rail of the Pacific Coast Highway Overpass bridge structure of State Route 1 grade-separated highway-rail crossing over BNSF Railway Company's Harbor Branch Line tracks in the City and County of Los Angeles.

Outcome Approved

Res SX-75

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

32

[6025]

Res G-3392 - Pacific Gas and Electric Company (PG&E).

PG&E requests expedited approval of its 10/20 Plus Winter Gas Savings Program (WGSP) for residential and commercial natural gas customers. The 10/20 Plus WGSP is approved, as modified by an agreement with the Division of Ratepayer Advocates. (Advice Letter 2753-G, filed August 9, 2006)

Outcome Approved

Res G-3392

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

33

[6027]

Res W-4616 - Havasu Water Company, Inc.

This resolution authorizes Havasu Water Company, Inc.'s a general rate increase in two stages producing additional annual revenue of \$69,891 or 53.4% in test year 2006. (Advice Letter, filed December 14, 2005)

Outcome Approved[Res W-4616](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

34

[6028]

Res W-4617 - Del Oro Water Company.

This resolution authorizes Del Oro Water Company - Strawberry District an interim general rate increase subject to refund, producing an increase of \$40,000 or 27.7% relative to 2004 gross revenues.

Outcome Approved[Res W-4617](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

35

[6029]

Res W-4618 - Trinity Village Water Company.

This resolution authorizes Trinity Village Water Company a general rate increase producing additional annual revenue of \$56,054 or 98.06% in test year 2006.

Outcome Approved[Res W-4618](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

36

[6030]

Res W-4620 - Rogina Water Company, Inc.

This resolution authorizes Rogina Water Company, Inc. to obtain a loan in the amount of \$400,000 for water system improvements and to encumber utility assets to secure the debt. (Advice Letter 48, filed July 27, 2006)

Outcome Approved

Res W-4620

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

37

[6035]

A06-04-002 - Sierra Pacific Power Company (Sierra).

This decision approves Sierra's application to update its energy cost adjustment clause (ECAC) billing factors and recover projected fuel and purchased power costs. The approved change in ECAC billing factors will increase annual revenues by approximately \$11.2 million, or 17.4%. The purpose of the proposed increase is to recover: (1) an ECAC balancing account undercollection (as of August 31, 2006), and (2) actual and forecasted fuel and purchased power costs for the period ending August 31, 2007. This proceeding is closed.

(Comr Bohn - ALJ Patrick)

Outcome Signed[D06-10-016](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

38

[6036]

A05-12-018 - Southern California Edison Company (Edison).

This decision grants Edison the authority to recover the incremental costs incurred in 2004 for a Bark Beetle infestation. This proceeding is closed.

(Comr Bohn - ALJ Long)

Outcome Held (10/19/06, Consent Agenda.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

39

[6042]

A06-06-019 - Network Service Billing Inc. (NSB) and Peter A. Lagergren.

This decision grants the unopposed application of NSB and Peter Lagergren (Lagergeen) for a transfer of the ownership and ultimate control of NSB to Lagergren. This proceeding is closed.

(Comr Chong - ALJ Prestidge)

Outcome Signed[D06-10-017](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

40

[6043]

A04-12-014 - Southern California Edison Company.

For authority to, among other things, increase its authorized revenues for electric service in 2006, and to reflect that increase in rates. I05-05-024 - Related matters. This decision awards Aglet Consumer Alliance (Aglet) \$87,909.21, Greenlining Institute (Greenlining) \$132,601.60, and The Utility Reform Network (TURN) \$487,946.04, in compensation for their substantial contributions to D06-05-016, which resolved Southern California Edison Company's test year 2006 general rate case. From the amounts requested, the intervenor compensation awards represent a \$73.50 decrease for Aglet, a \$8,882.75 decrease for Greenlining, and a \$7,114.25 decrease for TURN. These proceedings are closed.

(Comr Brown - ALJ Fukutome)

Outcome Signed

D06-10-018

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Regular Agenda

Energy Orders

41

[5937]

R06-02-012 - Order Instituting Rulemaking to develop additional methods to implement the California Renewables Portfolio Standard Program.

This decision sets the ground rules for the participation of energy service providers and community choice aggregators in the Renewables Portfolio Standard (RPS) program. The decision also sets additional standards for contracts for the procurement of eligible renewable resources by all load-serving entities obligated under the RPS program.

(Comr Peevey - ALJ Simon)

Agenda 3179, Item 18 9/21/2006 (Staff)

Outcome Signed

D06-10-019

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

42

[5987]

R06-04-009 - Order Instituting Rulemaking to implement the Commission's procurement incentive framework and to examine the integration of Greenhouse Gas Emission Standards into procurement policies.

Order amending the Commission's April 13, 2006 Order Instituting Rulemaking in light of recent legislation.

(Comr Peevey - ALJ Gottstein)

Outcome Signed

[D06-10-020](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Energy Resolutions and Written Reports**43**

[5921]

Res G-3389 - Pacific Gas and Electric Company (PG&E).

PG&E proposes to allow Line and/or Service Extension to opt out from receiving a bid from the utility to perform the design and/or construction of the refundable portion. (Advice Letter 2721G/2812E, filed April 10, 2006)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

44

[5924]

Res E-4017

This resolution approves a citation program authorizing Commission Staff to enforce compliance with system and local resource adequacy filing requirements by load-serving entities within the service territories of California's three largest investor-owned electric utilities.

Agenda 3179, Item 19 9/21/2006 (Staff)

Outcome Approved[Res E-4017](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

45

[6037]

Res E-4030 - San Diego Gas & Electric Company (SDG&E).

SDG&E proposes to continue its Energy Resource Recovery Account commodity credit amortization and to employ other actions in response to the July 2006 heat storm. (Advice Letter 1827-E, filed August 31, 2006)

Outcome Approved

Res E-4030

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Telecommunication Orders**46**
[5778] **R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.**

I95-04-044 - Related matters. This decision disposes the Petitions for Modification of Decision 05-07-043 (Petitions), filed respectively by Verizon California Inc. (Verizon) on January 5, 2006, and by AT&T California dba SBC California (SBC) on February 3, 2006. Verizon and SBC seek to terminate the requirement for arbitration of batch hot cut process and pricing disputes. A prehearing conference shall be conducted in the consolidated arbitration proceedings for Verizon and SBC in order to address ultimate disposition of parties' remaining disputes relating to batch hot cut processes and pricing.

(Comr Peevey - ALJ Pulsifer)

Agenda 3176, Item 51 7/20/2006 (Peevey);

Agenda 3177, Item 56 8/24/2006 (Brown);

Agenda 3178, Item 34 9/7/2006 (Peevey);

Agenda 3179, Item 21 9/21/2006 (Brown)

Outcome Held (10/19/06. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

47
[5933] **R03-06-020 - Order Instituting Rulemaking to establish rules governing the transfer of customers from competitive local carriers exiting the local telecommunications market.**

This decision adopts Mass Migration Guidelines (Guidelines), which apply when a Competitive Local Exchange Carrier (CLEC) files an application to discontinue providing local exchange service to its customers. The guidelines address regulatory, industry, and customer notification, including the form and timing of notice customers must receive. The Guidelines provide a process for mass migrations, which is designed to make the transfer of customers more efficient so customers do not lose essential voice services. The Guidelines provide that the Commission will appoint a default carrier if necessary and will ensure the CLEC compensates the default carrier.

This proceeding is closed.

(Comr Peevey - ALJ Grau)

Agenda 3179, Item 22 9/21/2006 (Peevey)

Outcome Signed

[D06-10-021](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

48

[6015]

R _____ - Order Instituting Rulemaking on the Commission's own motion to implement Assembly Bill 2987, the Digital Infrastructure and Video Competition Act of 2006.

This order opens a proceeding to implement AB 2987, chapter ___, Statutes of 2006, which created the Digital Infrastructure and Video Competition Act, which in turn designates the Commission as the issuer of state video franchises. The order seeks comment on the procedures to be followed in implementation of the legislation, including the adoption of a new general order. This item will only be considered if AB 2987 is signed by the Governor.

Outcome Signed

R06-10-005

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

49

[6045]

R _____ - Order Instituting Rulemaking on the Commission's own motion into the application of the California Environmental Quality Act to applications of jurisdictional telecommunications utilities for authority to offer service and construct facilities.

This rulemaking seeks to develop and implement proposed changes to the Commission's application of the California Environmental Quality Act (CEQA) to telecommunications utilities under the Commission's jurisdiction.

Outcome Signed

R06-10-006

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Water/Sewer Orders

50

[6011]

A06-08-015 - Suburban Water Systems.

This decision authorizes Suburban Water Systems to issue, sell and deliver for cash \$10,000,000 Series E First Mortgage Bonds and to execute an amendment and supplement to its existing Indenture of Mortgage and Deed of Trust. This proceeding is closed.

(Exam Coughlan)

Outcome Signed

D06-10-022

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Transportation/Rail Safety Orders**51 R_____ - Order Instituting Rulemaking to revise General Order 164-C.**

[6009]

By this order, the Commission institutes a rulemaking to revise Commission's General Order (GO) 164-C, Rules and Regulations Governing State Safety Oversight of Public Transit Guideway Systems. The Federal Transit Administration revision to 49 Code of Federal Regulations Part 659, Rail Fixed Guideway Systems; State Safety Oversight; dated April 29, 2005 (Final Rule) more clearly defines State Safety Oversight activities that are set forth in proposed GO 164-D.

Outcome Signed

R06-10-004

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Legal Division Matters**52 WC Docket No. 96-45 and 05-337, FCC 06J-1**

[5959]

The Federal-State Joint Board on Universal Service is inviting comment on the use of reverse auctions (competitive bidding) to determine high cost universal service funding to eligible telecommunications carriers (ETCs). The Joint Board asks that interested parties provide comment regarding whether and how competitive bidding could be utilized to further the goals of the Act, the Commission's universal service goals, and any other criteria or issues described in the August 2004 Public Notice [19 FCC Rcd 16083 (2004)]. WC Docket Nos. 96-45 and 05-337, FCC 06J-1.

Agenda 3179, Item 25 9/21/2006 (Staff)

Outcome Held (10/19/06.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

53 CC Docket No. 80-286, FCC 06-70

[6032]

The FCC is inviting comment on reform of the jurisdictional separations process by which incumbent local exchange carriers apportion regulated costs between the intrastate and interstate jurisdictions. CC Docket No. 80-286, FCC 06-70.

Outcome Held (11/9/06.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

54 FCC-01-92, WC Docket 96-45 and 05-337, FCC 06-J-1

[6033]

Opening Comments In the Matter of Developing a Unified Inter-carrier Compensation Regime – Missoula Plan - FCC-01-92, WC Docket 96-45 and 05-337.

Outcome Approved-Staff Recommendation (Conceptually endorsed staff recommendation subject to review at next meeting.)

FCC-01-92, WC Dckt 96-45 and 05-337, FCC 06-J-1

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

55

[6038]

Department of Energy National Electric Transmission Congestion Study

In August 2006, the Department of Energy (DOE) issued the National Electric Transmission Congestion Study called for under Section 1221 of the Energy Policy Act of 2005. This study designated Southern California as a Critical Congestion Area and the San Francisco Bay Area as a Congestion Area of Concern. Staff seeks the Commission's authorization to file comments on DOE's Study addressing these two designations and on whether, based on DOE's study, there need to be any designations of National Interest Electricity Transmission Corridors in or into California. These comments must be submitted to DOE by October 10, 2006.

Outcome Approved-Staff Recommendation

DOE Natl Elec Transmission Congestion Study

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Commissioner's Reports

56

[6039]

President Peevey Report

Recognition of the 2006 winners of the Wes Franklin Community Service Award.

Outcome Information Only

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Management Reports and Resolutions**57**

[5977]

Executive Director Larson Report

Update on Clean Energy Fund activities
Agenda 3179, Item 34 9/21/2006 (Staff)

Outcome Held (10/19/06.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

58

[6012]

Executive Director Larson Report

Stewardship Council Biannual Report, presented by Jayne Battey, Executive Director.

Outcome Information Only

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the

Applications for Rehearing

- 60** **A05-02-004 - Conference with Legal Counsel - Application for Rehearing**
 [5815] Disposition of application for rehearing of D06-01-025 filed by Golden State Water Company (Formerly Southern California Water Company.) D06-01-025 involves requested rate increases for the company's Region III service area for 2006, 2007 and 2008.
 Agenda 3176, Item 68 7/20/2006 (Staff);
 Agenda 3178, Item 42 9/7/2006 (Staff)
Outcome Held (10/19/06.)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)
- 61** **R00-02-004 - Conference with Legal Counsel - Application for Rehearing**
 [6021] Disposition of application for rehearing of D06-03-013 filed by the California Attorney General and jointly by The Utility Reform Network and the Division of Ratepayer Advocates. In D06-03-013, the Commission adopted revised General Order 168, Market Rules to Empower Consumers and to Prevent Fraud.
Outcome Held (10/19/06.)
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)

62

[6031]

A02-09-043 - Conference with Legal Counsel - Application for Rehearing

Disposition of Application for Rehearing and/or Request for Stay of D06-06-025 filed by Californians for Renewable Energy (CARE). D06-04-018 awarded intervenor compensation to three parties for their substantial contributions to D04-08-046, the Jefferson-Martin transmission certification proceeding. CARE, one of the three parties, was awarded \$126,713.40. CARE filed a petition to modify D06-04-018 on April 17, 2006. In the petition, CARE requests the hourly compensation rate for its lead counsel, Stephan Volker, be increased from \$270, the adopted amount in the decision, to \$400. D06-06-025 denied CARE's petition to modify. CARE now seeks rehearing of D06-06-025 and again requests that the hourly compensation rate for its lead counsel, Stephan Volker, be increased from \$270, the adopted amount in D06-04-018, to \$400.

Outcome Signed

D06-10-023

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)